



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/709,900

06/04/2004

Gary S. Strumolo

81093148 (FGT 1898 PA)

3899

28549

7590

11/16/2005

KEVIN G. MIERZWA

ARTZ & ARTZ, P.C.

28333 TELEGRAPH ROAD, SUITE 250

SOUTHFIELD, MI 48034

EXAMINER

CROSLAND, DONNIE L

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/709,900	Applicant(s) STRUMOLO ET AL.	
	Examiner DONNIE L. CROSLAND	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because the abstract must be submitted on a separate page, see 37 CFR 1.52(b)(4). The current abstract includes the title. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The specification including the claims and the abstract must be numbered consecutively starting with 1, see 37 CFR 1.52(b)(5).

Also, the numbering of the claims is improper. The characters "[c1]" etc. should be replaced by -1- etc. in each instance.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faibish et al in view of Watanabe et al.

Faibish shows the warning system for a vehicle and provides electro magnetic sensors for providing collision alert signals.

Faibish fails to provide magneto-resistive sensors.

Watanabe shows the proximity of objects employing magneto resistive sensors MRE's, col. 2, lines 15-61.

It would have been obvious to one having ordinary skill in the art to employ magneto resistive sensors for proximity determination in the warning system of Faibish because the use of magneto resistive sensors for determining proximity is taught by Watanabe.

Any advantages seen are those naturally expected due to the magneto resistive sensors.

Patentability is not involved in the use of magneto resistive sensors in determining proximity.

The plural sensor recited is a duplication of parts and would not involve patentable invention since only duplication of function exists.

The recited vehicle bus is obvious over the bus extending from the processor 90 in figure 9 of Faibish.

With respect to claim 3, see steering angle sensor 10 in Faibish.

With respect to claims 4 and 5, see vehicle-warning interface 20 of Faibish.

Claim 6 involves duplication of parts and would not involve patentable invention.

Claims 7 and 8 involves location of well-known elements and such would not involve patentable invention.

The algorithms as recited in claims 9 and 10 involves the processing in computer 90, see figure 9 and related disclosure.

Claims 11-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faibish and Watanabe as applied to claims 1 and 19 above, and further in view of Kwun.

Kwun shows the specific use of activating countermeasures 68-74 in figure 3.

It would have been obvious to one having ordinary skill in the art to activate countermeasures in response to proximity detection in the Faibish as modified by Watanabe because the specific use of countermeasures in a proximity detection device is taught by Kwun.

Any advantages seen are those naturally expected due to the use of countermeasures.

Filtering is achieved in figure 11 of Faibish.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hainsworth et al and Steffens, Jr. et al are cited as showing related proximity sensors.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is 571-272-2980. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/709,900  
Art Unit: 2636

Page 6



DONNIE L. CROSLAND  
Primary Examiner  
Art Unit 2636

DLC  
11-13-05